

Page 1 of 3

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1382-PWS-E TCEQ ID: RN101253805 CASE NO.: 34494
RESPONDENT NAME: Blackland Water Supply Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Blackland WSC, 6715 State Highway 276, Royse City, Rockwall County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Heath McGee, Manager, Blackland Water Supply Corporation, P.O. Box 215, Fate, Texas 75132-0215 Mr. J. K. Myers, President, Board of Directors, Blackland Water Supply Corporation, P.O. Box 215, Fate, Texas 75132-0215 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 13, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 9, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to provide an adequate purchase water contract. Specifically, at the time of the investigation, the contract provided did not have a specified purchase rate [30 TEX. ADMIN. CODE § 290.45(f)(3)].</p> <p>2) Failed to provide a thorough and up-to-date plant operations manual. Specifically, at the time of the investigation, the plant operations manual that was provided did not contain emergency protocols and emergency contact information for system personnel, and local/state/federal agencies to be contacted in the event of an emergency [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>3) Failed to maintain copies of backflow prevention assembly tests. Specifically, at the time of the investigation, there were no records showing that backflow prevention assemblies were tested at the veterinary clinic, daycare center, and irrigation systems [30 TEX. ADMIN. CODE § 290.44(h)(1)(B)(ii)].</p> <p>4) Failed to maintain the intruder-resistant fence at Greene Pump Station. Specifically, at the time of the investigation, the intruder-resistant fence around Greene Pump Station was sagging and in need of repair [30 TEX. ADMIN. CODE § 290.43(e)].</p>	<p>Total Assessed: \$3,142</p> <p>Total Deferred: \$628 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,514</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On September 17, 2007, provided a thorough and up-to-date plant operations manual; and</p> <p>b. On September 17, 2007, provided documentation showing that repairs to the intruder-resistant fence at Greene Pump Station have been completed.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately, upon the effective date of this Agreed Order, begin collecting at least one representative monthly water sample from the Circle Lane pressure plane distribution system;</p> <p>b. Within 60 days after the effective date of this Agreed Order, submit copies of the annual inspection and test results of the backflow prevention assemblies located at the veterinary clinic, daycare center, and irrigation systems;</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision e. to demonstrate compliance with Ordering Provisions a. and b.;</p> <p>d. Within 180 days after the effective date of this Agreed Order, obtain a purchase water contract that establishes a maximum rate at which water may be drafted on a daily and hourly basis. In the absence of a maximum daily or maximum hourly rate in the contract, a uniform purchase rate for the contract period may be used; and</p> <p>e. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d.</p>

5) Failed to collect and submit at least one monthly water sample for bacteriological analysis from the Circle Lane pressure plane distribution system. Specifically, at the time of the investigation, system personnel were unaware that a bacteriological sample needed to be collected each month from the system's third pressure plane [30 TEX. ADMIN. CODE § 290.109(c) and TEX. HEALTH & SAFETY CODE § 341.033(d)].		
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Additional ID No(s): PWS 1990004



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES

Assigned
PCW6-Aug-2007
24-Aug-2007

Screening

23-Aug-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Blackland Water Supply Corporation
 Reg. Ent. Ref. No. RN101253805
 Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 34494 No. of Violations 5
 Docket No. 2007-1382-PWS-E Order Type 1660
 Media Program(s) Public Water Supply Enf. Coordinator Thomas Barnett
 Multi-Media EC's Team Enforcement Team 2
 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$2,850

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 5% Enhancement Subtotals 2, 3, & 7 \$142

Notes

The penalty enhancement is due to one prior NOV for the same or similar violations.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary
 Ordinary
 N/A X (mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$69
 Approx. Cost of Compliance \$1,650

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$2,992

OTHER FACTORS AS JUSTICE MAY REQUIRE

5%

Adjustment \$150

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount \$3,142

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$3,142

DEFERRAL

20%

Reduction

Adjustment -\$628

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$2,514

Screening Date 23-Aug-2007

Docket No. 2007-1382-PWS-E

PCW

Respondent Blackland Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34494

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101253805

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty enhancement is due to one prior NOV for the same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 23-Aug-2007 Respondent Blackland Water Supply Corporation Case ID No. 34494 Reg. Ent. Reference No. RN101253805 Media [Statute] Public Water Supply Enf. Coordinator Thomas Barnett Violation Number <input type="text" value="1"/>	Docket No. 2007-1382-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>												
Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.45(f)(3)"/>													
Violation Description <input type="text" value="Failed to provide an adequate purchase water contract. Specifically, at the time of the investigation, the contract provided did not have a specified purchase rate."/>													
Base Penalty <input type="text" value="\$1,000"/>													
>> Environmental, Property and Human Health Matrix													
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm		Release	Major	Moderate	Actual	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>
	Harm												
Release	Major	Moderate											
Actual	<input type="text"/>	<input type="text"/>											
Potential	<input type="text"/>	<input type="text"/>											
Percent <input type="text" value="0%"/>													
>> Programmatic Matrix													
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text" value="X"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Major	Moderate	Minor	Falsification	<input type="text" value="X"/>	<input type="text"/>	<input type="text"/>				
	Major	Moderate	Minor										
Falsification	<input type="text" value="X"/>	<input type="text"/>	<input type="text"/>										
Percent <input type="text" value="25%"/>													
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>												
Adjustment <input type="text" value="\$750"/>													
<input type="text" value="\$250"/>													
Violation Events													
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events <input type="text" value="1"/> </td> <td style="width: 20%; text-align: center;"> <input type="text" value="31"/> </td> <td style="width: 40%;"> Number of violation days </td> </tr> </table>		Number of Violation Events <input type="text" value="1"/>	<input type="text" value="31"/>	Number of violation days									
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mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td><input type="text" value="X"/></td> </tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="X"/>
daily	<input type="text"/>												
monthly	<input type="text"/>												
quarterly	<input type="text"/>												
semiannual	<input type="text"/>												
annual	<input type="text"/>												
single event	<input type="text" value="X"/>												
Violation Base Penalty <input type="text" value="\$250"/>													
<input type="text" value="One single event is recommended."/>													
Economic Benefit (EB) for this violation													
Statutory Limit Test													
Estimated EB Amount <input type="text" value="\$13"/>	Violation Final Penalty Total <input type="text" value="\$276"/>												
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$276"/>													

Economic Benefit Worksheet**Respondent** Blackland Water Supply Corporation**Case ID No.** 34494**Reg. Ent. Reference No.** RN101253805**Media** Public Water Supply**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	13-Jun-2007	13-Sep-2008	1.3	\$13	n/a	\$13

Notes for DELAYED costs

The estimated cost to prepare a water purchase contract that specifies a maximum rate at which water may be drafted on a daily and hourly bases or a uniform purchase rate for the contract period. The date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance **\$200****TOTAL** **\$13**

Screening Date 23-Aug-2007

Docket No. 2007-1382-PWS-E

PCW

Respondent Blackland Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34494

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101253805

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.42(l)

Violation Description

Failed to provide a thorough and up-to-date plant operations manual. Specifically, at the time of the investigation, the plant operations manual that was provided did not contain emergency protocols and emergency contact information for system personnel, and local/state/federal agencies to be contacted in the event of an emergency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 10%

Matrix Notes

50% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

71 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

Economic Benefit Worksheet**Respondent** Blackland Water Supply Corporation**Case ID No.** 34494**Reg. Ent. Reference No.** RN101253805**Media** Public Water Supply**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	13-Jun-2007	17-Sep-2007	0.3	\$3	n/a	\$3
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to prepare an up-to-date plant operations manual for operator review and reference. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance**\$200****TOTAL****\$3**

Screening Date 23-Aug-2007

Docket No. 2007-1382-PWS-E

PCW

Respondent Blackland Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34494

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101253805

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 3

Rule Cite(s)

30 Tex. Admin Code § 290.44(h)(1)(B)(ii)

Violation Description

Failed to maintain copies of backflow prevention assembly tests. Specifically, at the time of the investigation, there were no records showing the backflow assemblies were tested at the veterinary clinic, daycare center, and irrigation systems.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		X		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

71 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$750

Three single events are recommended (one per location).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$827

This violation Final Assessed Penalty (adjusted for limits) \$827

Economic Benefit Worksheet**Respondent** Blackland Water Supply Corporation**Case ID No.** 34494**Reg. Ent. Reference No.** RN101253805**Media** Public Water Supply**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	13-Jun-2007	13-Jun-2008	1.0	\$5	n/a	\$5

Notes for DELAYED costs

The estimated cost to maintain a record of the test results that were conducted on the backflow prevention assemblies. The date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date 23-Aug-2007

Docket No. 2007-1382-PWS-E

PCW

Respondent Blackland Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34494

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101253805

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.43(e)

Violation Description

Failed to provide a intruder-resistant fence at Greene Pump Station. Specifically, at the time of the investigation, the fence around Greene Pump Station was sagging and in need of repair.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide an intruder-resistant fence may allow persons to enter and vandalize equipment which may compromise the systems abilities to provide a safe and adequate water supply, exposing customers to a significant amount of pollutants that do not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

71 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the investigation date, June 13, 2007 to the screening date, August 23, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$276

This violation Final Assessed Penalty (adjusted for limits) \$276

Economic Benefit Worksheet**Respondent** Blackland Water Supply Corporation**Case ID No.** 34494**Reg. Ent. Reference No.** RN101253805**Media** Public Water Supply**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	13-Jun-2007	17-Sep-2007	0.3	\$1	\$18	\$18
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to repair the intruder-resistant fence. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$1,000

TOTAL

\$18

Screening Date 23-Aug-2007

Docket No. 2007-1382-PWS-E

PCW

Respondent Blackland Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 34494

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101253805

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c) and Tex. Health & Safety Code § 341.033(d)

Violation Description

Failed to collect and submit at least one monthly water sample for bacteriological analysis from the Circle Lane pressure plane distribution system. Specifically, at the time of the investigation, system personnel were unaware that a bacteriological sample needed to be collected each month from the system's third pressure plane.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to perform bacteriological sampling could result in customers of the water supply being exposed to a significant amount of contaminants that would exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 3

71 Number of violation days

mark only one with an x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,500

Three monthly events are recommended, calculated from the investigation date, June 13, 2007 to the screening date, August 23, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$1,654

This violation Final Assessed Penalty (adjusted for limits) \$1,654

Economic Benefit Worksheet**Respondent** Blackland Water Supply Corporation**Case ID No.** 34494**Reg. Ent. Reference No.** RN101253805**Media** Public Water Supply**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$150	13-Jun-2007	23-Aug-2007	0.2	\$1	\$29	\$31
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost to start collecting and submitting water samples for bacteriological analysis. The date required is the investigation date and the final date is the screening date.

Approx. Cost of Compliance

\$150

TOTAL

\$31

Compliance History

Customer/Respondent/Owner-Operator:	CN600636732	Blackland Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101253805	BLACKLAND WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1990004
	WATER LICENSING		LICENSE	1990004
Location:	6715 STATE HIGHWAY 276, ROYSE CITY, TX, 75189			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	August 22, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 22, 2002 to August 22, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Thomas Barnett	Phone:	713-767-3680	

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

- B. Any criminal convictions of the state of Texas and the federal government.
N/A

- C. Chronic excessive emissions events.
N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|---|------------|----------|
| 1 | 12/18/2002 | (15695) |
| 2 | 11/01/2005 | (434238) |
| 3 | 05/24/2006 | (465687) |
| 4 | 12/12/2006 | (532502) |
| 5 | 08/03/2007 | (569960) |

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/03/2005 (434238)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(C)

Description: Failure to employ at least 2 water works operators who hold an applicable, valid license issued by the Agency.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(iii)

Description: Failure to collect and submit routine bacteriological samples at a frequency based on the population served by the water system.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)

Description: Failure to use ANSI/NSF certified calcium hypochlorite disinfectant for use when making repairs, setting meters, and disinfecting new mains prior to service.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)

Description: Failure to maintain the air-water volume indicator for the pressure tanks.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)

Description: Failure to provide an intruder resistant fence at the pump station 2.

Self Report? NO

Classification: Minor

Citation:	30 TAC Chapter 290, SubChapter D 290.42(k)		
Description:	Failure to compile plant operations manual for the system. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)		
Description:	Failure to meet this Agency's Minimum Water System Capacity Requirements. These requirements include: a pressure tank capacity of 20 gallons per connection.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)(1)		
Description:	Failure to provide an adequate purchase water contract.		

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BLACKLAND WATER SUPPLY
CORPORATION
RN101253805**

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§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1382-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Blackland Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 6715 State Highway 276 in Royse City, Rockwall County, Texas (the "Facility") that has approximately 1,428 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 14, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand One Hundred Forty-Two Dollars (\$3,142) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Five Hundred Fourteen Dollars (\$2,514) of the administrative penalty and Six Hundred Twenty-Eight Dollars (\$628) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this

Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent has agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On September 17, 2007, provided a thorough and up-to-date plant operations manual; and
 - b. On September 17, 2007, provided documentation showing that repairs to the intruder-resistant fence at Greene Pump Station have been completed.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

1. Failed to provide an adequate purchase water contract, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(3), as documented during an investigation conducted on June 13, 2007. Specifically, at the time of the investigation, the contract provided did not have a specified purchase rate.
2. Failed to provide a thorough and up-to-date plant operations manual, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on June 13, 2007. Specifically, at the time of the investigation, the plant operations manual that was provided did not contain emergency protocols and emergency contact information for system personnel, and local/state/federal agencies to be contacted in the event of an emergency.

3. Failed to maintain copies of backflow prevention assembly tests, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(B)(ii), as documented during an investigation conducted on June 13, 2007. Specifically, at the time of the investigation, there were no records showing that backflow prevention assemblies were tested at the veterinary clinic, daycare center, and irrigation systems.
4. Failed to maintain the intruder-resistant fence at Greene Pump Station, in violation of 30 TEX. ADMIN. CODE § 290.43(e) as documented during an investigation conducted on June 13, 2007. Specifically, at the time of the investigation, the intruder-resistant fence around Greene Pump Station was sagging and in need of repair.
5. Failed to collect and submit at least one monthly water sample for bacteriological analysis from the Circle Lane pressure plane distribution system, in violation of 30 TEX. ADMIN. CODE § 290.109(c) and TEX. HEALTH & SAFETY CODE § 341.033(d), as documented during an investigation conducted on June 13, 2007. Specifically, at the time of the investigation, system personnel were unaware that a bacteriological sample needed to be collected each month from the system's third pressure plane.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Blackland Water Supply Corporation pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Blackland Water Supply Corporation, Docket No. 2007-1382-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately, upon the effective date of this Agreed Order, begin collecting at least one representative monthly water sample from the Circle Lane pressure plane distribution system, as required by 30 TEX. ADMIN. CODE § 290.109 and TEX. HEALTH & SAFETY CODE § 341.033;
 - b. Within 60 days after the effective date of this Agreed Order, submit copies of the annual inspection and test results of the backflow prevention assemblies located at the veterinary

clinic, daycare center, and irrigation systems, as required by 30 TEX. ADMIN. CODE § 290.44;

- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. to demonstrate compliance with Ordering Provision 2.a. and 2.b;
- d. Within 180 days after the effective date of this Agreed Order, obtain a purchase water contract that establishes a maximum rate at which water may be drafted on a daily and hourly basis. In the absence of a maximum daily or maximum hourly rate in the contract, a uniform purchase rate for the contract period may be used, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
- e. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and

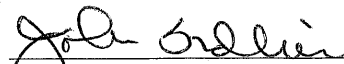
substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/4/08
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

12-11-07
Date

J.K. Myers

Name (Printed or typed)
Authorized Representative of
Blackland Water Supply Corporation

President Board of Directors

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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